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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,946	10/20/2004	Michael Von Seidel	9650-11	8712
30448 7590 01/10/2007 AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER KRUER, STEFAN	
			ART UNIT 3654	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			01/10/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/511,946	Applicant(s) VON SEIDEL, MICHAEL	
	Examiner Stefan Kruer	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 13 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 4 and 7 - 13 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20 October 2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities:

- “elongate” should be written as an adjective followed by a comma, as “elongated,”
- “the” prior to “cord” of “...which cord...” and “...preventing cord...” is missing.
- “that is” prior to “wound” of “...preventing cord wound...” is missing.
- “... to prevent unraveling off the shank of cord wound around the elongate shank...” is gangly expressed, for which “... to prevent the wound cord from unraveling from (or, “off of”) the elongated shank...” is preferably written.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites the limitation “the” in “the tension member”. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim language states a plurality of additional holding means (“are”) whereas the disclosure references a single holding means (6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4 and 7 – 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Shields (2,475,525) in view of Benbow et al (2,577,299).

Re: Claim 1, Shields discloses:

- A spool (Fig. 1) for shortening the length of a cord (20),
- A reel formation (12) in the form of a elongated, generally straight shank around which the cord can be wound to shorten its effective length,
- the shank having a transverse retainer formation (14) at an end for operatively preventing the cord that is wound onto the reel from unwinding therefrom,
- a keeper formation (150 at one end of the shank for cooperation with a cord to maintain said end in association with the cord whilst the shank is rotated to wind the cord onto the shank by rotation thereof, and
- a torque transmitting formation (11, 16) at the other end of the shank whereby the reel can be rotated about its won axis,
- wherein the transverse retainer formation is adapted operatively to prevent the wound cord from unraveling off of the elongated shank at least whilst the cord is held under tension and the axis of the shank extends in the same general direction as that in which the cord extends;

however, Shields discloses his additional transverse retainer (17) immediate of his shank to receive an end (19) of his cord.

Attention is directed to Benbow et al who teach their shank (10) having a transverse retainer formation (12, 13 and 11, 28, Fig. 2) at each of its ends, the

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retainers acting as respective “anchoring stud” and “hook portion”(Col. 3, Line 60 and Col. 2, Line 29) and to maintain the cord in its shortened condition (Col. 3, Line 50), as well as providing a torque transmitting formation (14) at an end.

It would have been obvious to one of ordinary skill in the art to modify the reference of Shields with the teaching of Benbow et al to provide transverse retainer formations at both ends of the shank in order to provide the means to shorten a cord's length intermediate of its ends.

Re: Claim 2, Shields discloses his transverse retainer formation at said one end of the shank also forms the keeper formation.

Re: Claims 3 and 4, Shields discloses his combined transverse retainer formation and keeper formation as non-U-shaped.

Attention is directed to Benbow et al who teach their combined retainer and keeper formation as U-shaped in order to provide a torque transmitting formation.

It would have been obvious to one of ordinary skill in the art to modify the reference of Shields with the teaching of Benbow et al to provide a torque transmitting formation integral of his shank for “...simplicity... low cost... and ease of operation...”

Re: Claim 7, Benbow et al teach an additional holding means (28) *is* provided for releasably engaging a co-operant cord to prevent unraveling thereof off the shank under conditions in which tension is removed from the tension member (Col. 3, Line 60).

Re: Claim 8, Shields is silent with respect to his material of construction, yet he discloses his generally straight shank, his combination retainer and keeper formation at one end, and a torque transmitting formation at the other end.

Attention is directed to Benbow et al who teach their spool made of metal wire that is bent to form a generally straight shank in the middle, a retainer formation at one end and a torque transmitting formation at the other end (Col. 2, line 16 – 21).

It would have been obvious to one of ordinary skill in the art to modify the reference of Shields with the teaching of Benbow et al to manufacture the spool of “material of suitable strength” such as a metal for utility and simplicity.

Re: Claim 9, both Shields and Benbow et al disclose their respective torque transmitting formation as a handle (16 and 14, 11, respectively) formed integral with the shank.

Re: Claims 10 and 11, Shields is silent with respect to his torque transmitting formation adapted for cooperation with a separate manually operable tool in the form of a crank; however, his spool has a generally axially extending axle (16).

Attention is directed to Benbow et al who teach their torque transmitting formation adapted for cooperation with a separate manually operable tool in the form of a crank (Fig.'s 7 and 5), whereby the crank is provided with a socket (23) in a co-operant part for engagement with their generally axially extending axle (11).

It would have been obvious to one of ordinary skill in the art to modify the reference of Shields with the teaching of Benbow et al to provide a torque transmitting formation adapted for cooperation with a crank to gain the benefit of leverage in generating sufficient torque.

Regarding Claims 12 and 13, the interdependent components of the device of **Claims 1 – 9** would necessarily have to be co-dependently engaged in order for the device to function. It would have been obvious to perform all the method steps of **Claims 1 – 9** when utilizing the device of Shields as modified by Benbow et al above, in a usual and expected fashion, in as much as the method claims recite no limiting steps beyond the use of each of the components.

Allowable Subject Matter

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Korb (3,568,261) and Gretter (3,879,805) are cited for reference of devices for tightening wires.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571.272.6928. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

7 January 2007


EMMANUEL MARCELO
PRIMARY EXAMINER